



**New York State Department of Labor**

David A. Paterson, Governor

M. Patricia Smith, Commissioner

July 31, 2008

Pat Evangelista  
WTC Coordinator  
New York City Response and Recovery Operations  
US EPA – Region II  
290 Broadway  
New York, NY 10007-1866

**Re: Comments on Asbestos/WTC Dust Portion of  
Regulatory Submittal Part I(D) Deconstruction Operation Work Plan, dated April 25, 2008  
Fiterman Hall Building  
30 West Broadway  
New York, NY**

Dear Pat,

The Department has received and reviewed the Regulatory Submittal Part I(D) Deconstruction Operation Work Plan document, dated April 25, 2008, as it relates to asbestos material (ACM) and WTC dust/residue removal/cleanup procedures.

The Department has discussed aspects of the documents with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's comments on the submitted documents. Several significant items within the work plan must be revised to address Departmental concerns.

**Specific Comments**

**REGULATORY SUBMITTAL PART I(D) – WORK PLAN**

- **3.2 & 3.3 REGULATORY NOTIFICATIONS – NYS DOL NOTIFICATION & VARIANCE DECISION**

*These Sections indicate that a NYS DOL Deconstruction Variance Decision is included within Attachment II for the deconstruction phase abatement work. However, the Department has not received a site-specific variance petition for this work. Please submit the necessary variance petition to allow adequate time for processing, prior to finalizing the deconstruction phase documents.*

*Also, the notification referenced by Section 3.2, and is included in Attachment I, expired on June 30, 2008. Please provide a copy of the current notification.*

- **5.1 PRIOR TO STRUCTURAL DECONSTRUCTION – REMAINING ACM & LIMITED ENVIRONMENTALLY CONTAMINATED ITEMS**

*This Section indicates that ACM on perimeter kneewalls will be removed during the deconstruction phase. However, this material will be removed prior to the deconstruction phase. This information must be revised throughout the document. In addition, the ACM survey table within Attachment VIII of the work plan lists several additional ACMs remaining other than those listed within this Section. This information must be revised to be consistent throughout the entire document.*

*In addition, the remaining large wrapped ACM waste components referenced within this Section must be inventoried prior to the initiating the deconstruction phase. The inventory listing must be appended to the work plan document and accurately referenced within this Section.*



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- 6.1. EQUIPMENT - CRANE

*This Section indicates the large items, heavy equipment and machinery previously wrapped for disposal during abatement will be removed and disposed as environmentally contaminated. Does this mean disposal of waste as asbestos waste at a minimum? Please add appropriate detail throughout the document.*

- 7.2.1 DECONSTRUCTION PROCESS - ASSUMED CONTAMINATED HEAVY MACHINERY & EQUIPMENT

*This Section indicates that air samples will be collected in the vicinity of waste loading and these samples will serve as finals unless the results are elevated. This procedure must be approved through typical site-specific variance petition procedures as it varies from procedures in ICR 56. In addition, if air sample results are found to be elevated, appropriate visual inspection and cleaning procedures must be undertaken to address the situation.*

- 7.3 DECONSTRUCTION PROCESS - REMOVAL OF PENTHOUSE/MECHANICAL LEVELS

*This Section indicates that if any of the steel beams are found to contain ACM mastic, they will be handled as per the asbestos abatement procedure in Section 7.6.2. However, no information is included regarding the appropriately trained and certified individual that will be performing the visual inspection to determine if ACM is present. This information must be added to the document as well as the inspection procedures. Also, the referenced Section appears to be inaccurate and the correct Section reference is apparently Section 7.7. This error must be corrected throughout the document.*

- 7.7 DECONSTRUCTION PROCESS - REMOVAL OF PERIMETER COLUMNS AND SPANDREL BEAMS (INCLUDING ACM ABATEMENT)

*This Section includes procedures that are not consistent with requirements of ICR 56. These procedures must be approved through typical site-specific variance petition procedures as they vary from procedures in ICR 56. More specifically, sequencing of abatement work including ACM mastic spot removals and other ACM mastic abatement, along with barrier requirements, proposed engineering controls, handling procedures, waste containerization, decontamination and loadout procedures, as well as air sampling and intended clearance procedures for each work area, must be detailed within the variance petition. Please note that torch cutting of ACM covered steel is not allowed. In addition, if air sample results are found to be elevated, appropriate visual inspection and cleaning procedures must be undertaken to address the situation. The procedures for all of this work, as indicated in the site-specific variance decision, must be included or referenced within this Section.*

- ATTACHMENT I – NYS DOL REGULATORY NOTIFICATION

*As indicated above, the notification that is included in Attachment I expired on June 30, 2008. Please provide a copy of the current notification.*

- ATTACHMENT II – NYS DOL VARIANCE DECISION

*As indicated above, a site-specific variance petition must be submitted for all abatement work procedures that are not in compliance with the requirements of ICR 56. Please submit the necessary variance petition to allow adequate time for processing, prior to finalizing the deconstruction phase documents.*



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- **ATTACHMENT VIII – ASBESTOS SURVEY TABLE**

*As indicated above, the ACM survey table within Attachment VIII of the work plan lists several additional ACMs (fiber glass materials & felt materials on perimeter walls, flashing mastic & black cloth material on beams at loading dock entrance) other than those listed within Section 5.1. This information must be revised to be consistent throughout the entire document.*

Please note that if an unanticipated situation is encountered during the ACM removal and WTC dust/residue cleanup during implementation of the deconstruction operation work plan, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office at (518) 457-1536.

Sincerely,

A handwritten signature in blue ink, which appears to read "Christopher G. Alonge", is positioned above the printed name.

Christopher G. Alonge, P.E.  
Senior Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP  
Chief Weinlein – NYC FDNY  
Richard Mendelson – USDOL/OSHA  
Robert Iulo – NYC DOB  
Richard Fram – NYS DEC  
Norma Aird – NYS DOL  
Benn Lewis – Airtek  
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